

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

**PATRICIA M. SOREY, INDIVIDUALLY
AND AS MOTHER AND NEXT FRIEND
OF N.L.S., A MINOR**

PLAINTIFFS

VS.

CIVIL ACTION NO. 2:19-cv-00144-MS-MTP

**CREVITA SERRIN, PHILLIP LAWSON,
GEICO GENERAL INSURANCE
COMPANY and JOHN AND JANE DOES 1-5**

DEFENDANTS

**AGREED ORDER OF DISMISSAL AS TO PLAINTIFFS' BREACH OF
CONTRACT AND BAD FAITH CLAIMS AND REQUEST FOR
PUNITIVE DAMAGES AGAINST GEICO GENERAL INSURANCE COMPANY**

THIS CAUSE came on this day for hearing on the joint motion of the Plaintiffs, Patricia M. Sorey, Individually, and as mother and next friend of N.L.S., a minor ("Plaintiffs"), and Defendant, GEICO General Insurance Company ("GEICO"), by and through their respective attorneys, wherein the parties are requesting that the Court dismiss Plaintiffs' breach of contract and bad faith claims and request for punitive damages asserted against GEICO, without prejudice, and the court being fully advised in the premises, and noting the agreement of the parties, does hereby find that said motion is well taken and shall be granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Plaintiffs' breach of contract and bad faith claims and request for punitive damages asserted against GEICO in this lawsuit shall be dismissed, without prejudice. All other claims of Plaintiffs against the remaining Defendants, including the Plaintiffs' claims against GEICO for uninsured / underinsured motorist benefits survive this dismissal.

IT IS FURTHER, ORDERED AND ADJUDGED, that the Plaintiffs and GEICO agree that should the Plaintiffs seek to amend their Complaint at any time in the future, especially more than one (1) year from the date the Complaint was initially served on GEICO, to again assert breach of contract and bad faith claims and request for punitive damages against GEICO, that the case would be removable, without objection from the Plaintiffs, as new claims being asserted against GEICO and would not be barred by the time limitations set forth in 28 U.S.C. 1446(c)(1).

SO ORDERED AND ADJUDGED, this the 16th day of October, 2019.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE

AGREED:

/s/ Megan S. Thornton
MEGAN S. THORNTON (MSB #104104)
Attorney for Plaintiffs

/s/ David Lee Gladden, Jr.
DAVID LEE GLADDEN, JR. (MSB #100839)
*Attorney for Defendant, GEICO General
Insurance Company*